

# Akin Gump

STRAUSS HAUER & FELD LLP

JESSICA OLIFF DALY

+1 212.872.8058/fax: +1 212.872.1002

jodaly@akingump.com

October 6, 2016

VIA ECF

Honorable James C. Francis  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Wagner v. Akin Gump Strauss Hauer & Feld LLP*; 16-cv-03532-GBD-JCF

Dear Magistrate Judge Francis:

We represent defendant Akin Gump Strauss Hauer & Feld LLP in the above referenced action. On June 3, 2016 we moved to dismiss the complaint. (ECF Nos. 8-10). On June 15, the Court entered a scheduling order requiring Plaintiff to respond to that motion by July 15, 2016. (ECF Nos. 15). Plaintiff has never opposed the motion to dismiss.

On July 28, 2016, Plaintiff filed a letter purporting to describe her “repeated discussions with the Pro Se Intake Unit and Judge’s chambers.” (ECF No. 16). On August 1, 2016, the Court construed Plaintiff’s first letter as an “application for preliminary injunctive relief” and denied the application. (ECF No. 19). The Court ordered Plaintiff to file a motion that clearly set forth “(1) The identity of any person plaintiff seeks to have enjoined; (2) Facts sufficient to show that plaintiff’s allegations are plausible; and (3) Facts sufficient to link the conduct of any person sought to be enjoined with the alleged violation of plaintiff’s legal rights.” *Id.*

On September 19, Plaintiff filed her “Second Motion for Immediate Injunctive Relief.” (ECF No. 20). ***Plaintiff’s second letter is largely unintelligible and fails to provide any of the information required by the Court in its August 1 docket notation.*** Moreover, as described in our memorandum of law in support of the motion to dismiss, no legal basis exists for Plaintiff’s underlying claims for relief, and there is certainly no basis for her motion for injunctive relief.

Given the deficiencies in Plaintiff’s pleading, however, we are uncertain as to whether we are even required to file a responsive pleading. Therefore, we are filing this letter in an abundance of caution to advise the Court of our view that Plaintiff has still failed to meet the



Honorable James C. Francis  
October 6, 2016  
Page 2

pleading requirements for injunctive relief. If the Court would prefer that we file a more formal opposition to Plaintiff's second motion we would be happy to do so on any timeline that the Court provides. In addition, we would be happy to provide any additional information that the Court might require and are available for a conference of the parties if the Court would consider that useful.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jessica Oliff Daly". The signature is written in a cursive, flowing style.

Jessica Oliff Daly

cc: Kristy Wagner, via ECF, First Class Mail, and Email